



**MENTAL HYGIENE LEGAL SERVICE
FIRST AND THIRD JUDICIAL DEPARTMENTS**

October 20, 2022

VIA ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/17/2022

Re: *A.H., et al. v. New York State Dep't of Health, et al.*, Case No. 1:22-cv-05045

Dear Judge Vyskocil:

We represent Plaintiffs in the above-referenced action.

Pursuant to Section 9 of Your Honor's Individual Rules of Practice in Civil Cases, Plaintiffs respectfully request that the Court accept redacted versions of Exhibits A, B, C, D, E, F, G, H, and I to the Declaration of David J. Abrams that were filed earlier today in support of Plaintiffs' Motion for a Preliminary Injunction.

We also have filed contemporaneously herewith, under seal, the Abrams Declaration and Exhibits A, B, C, D, E, F, G, H, and I thereto, highlighting the proposed redactions. Defendants request to redact the names of the individual Plaintiffs in this action for the same reasons as set out in Plaintiffs' July 12, 2022 letter motion to proceed anonymously and by use of pseudonyms [ECF No. 30]. Defendants previously have consented to Plaintiffs proceeding anonymously in this case.

As set out in Plaintiff's letter motion concerning the use of pseudonyms, this litigation involves matters that are highly sensitive and personal. The individual plaintiffs are individuals with intellectual and developmental disabilities who are presently institutionalized. Plaintiffs' claims and the pending motion concern legally protected physical and mental health information with regards to their diagnoses, functional limitations, treatment history, and treatment needs. Federal law, state law, and numerous courts have all recognized that health information, like the kind at issue here, is entitled to protection from public disclosure. *See, e.g.*, 42 U.S.C. § 1320d *et seq.*; N.Y. Mental Hyg. Law § 33.13. Additionally, the disclosure of Plaintiffs' health histories, including their histories of institutionalization, could result in additional injury. *See P.D. v. Neifeld*, 2022 WL 818895, at *4 (E.D.N.Y. Mar. 1, 2022).

Thank you for your consideration of this request. We are available to answer any questions the Court may have.

Respectfully,

/s/ David J. Abrams

DISABILITY RIGHTS NEW YORK

Benjamin Taylor (Bar No. BT7396)
Julie M. Keegan (Bar No. JK2828)
Alyssa Galea (Bar No. 5577762)
William Tronsor (Bar No. 5691373)

KASOWITZ BENSON TORRES LLP

David J. Abrams (Bar No. DA4093)
David E. Ross (Bar No. DR5092)
Stephen P. Thomasch (Bar No. ST1225)
Andrew W. Breland (Bar No. 5691340)

MENTAL HYGIENE LEGAL SERVICE

FIRST JUDICIAL DEPARTMENT
Sadie Z. Ishee (Bar No. SI9540)
Leonard D. Simmons (Bar No. LS6830)

MENTAL HYGIENE LEGAL SERVICE

THIRD JUDICIAL DEPARTMENT
Sheila E. Shea, Director (pro hac vice)

The Court has carefully reviewed the proposed redactions and finds that the redactions are limited and appropriate. Accordingly, the request to maintain the unredacted documents under seal is GRANTED.

Date: November 17, 2022

New York, New York


Mary Kay Viskocil
United States District Judge